

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

-----	x	
In re	:	
	:	Case No. 21-35911-cgm
NEW YORK HAND & PHYSICAL	:	
THERAPY, PLLC,	:	(Chapter 11, Subchapter V)
	:	
Debtor.	:	
-----	x	
	:	
NEW YORK HAND & PHYSICAL	:	Case No. 7:23-03616-KMK
THERAPY, PLLC,	:	
	:	
Appellant,	:	
	:	
vs.	:	
	:	
WILLIAM K. HARRINGTON, in his	:	
capacity as UNITED STATES TRUSTEE,	:	
REGION 2, AND CHARLES N. PERSING,	:	
in his capacity as Subchapter V Trustee,	:	
	:	
Appellees.	:	
-----	x	

**STIPULATION DISMISSING APPEAL UNDER
FEDERAL RULE OF BANKRUPTCY PROCEDURE 8023(a)**

WHEREAS, on April 21, 2023, debtor/appellant New York Hand & Physical Therapy, PLLC (the “Debtor”) filed the above-captioned appeal (the “Appeal”), of the Memorandum Decision, (the “Decision”), issued on April 14, 2023, by the United States Bankruptcy Court for the Southern District of New York, Poughkeepsie Division, conditionally granting the United States Trustee’s Motion to Dismiss or Convert Case under 11 U.S.C. § 1112(b); and

WHEREAS, the Debtor filed a Designation of the Record on Appeal on April 21, 2023, and appellees William K. Harrington, in his capacity as United States Trustee, Region 2 (the “United States Trustee”), and Charles N. Persing, in his capacity as subchapter V trustee (the “Trustee”) filed their Counter-Designations of the Record on May 5, 2023; and

WHEREAS, on May 12, 2023, after the Clerk of the Bankruptcy Court transmitted the record on appeal, the Clerk of this Court filed a notice that the record on appeal is complete, and the appellant's brief is due on June 12, 2023; and

WHEREAS, the Debtor, the United States Trustee, and the Trustee have settled the issues that gave rise to the Appeal, subject to Bankruptcy Court approval; and

WHEREAS, the Debtor, the United States Trustee, and the Trustee have agreed to voluntarily dismiss the Appeal; and

WHEREAS, Federal Rule of Bankruptcy Procedure 8023(a), *Stipulated Dismissal*, provides that "[t]he clerk of the district court . . . must dismiss an appeal if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any court fees that are due[;]"

NOW, THEREFORE, the Debtor, the United States Trustee, and the Trustee hereby stipulate and agree as follows:

1. The Appeal is dismissed; and
2. Each party is to bear its own costs, all Court fees having been paid.

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE, REGION 2

CHARLES N. PERSING
SUBCHAPTER V TRUSTEE

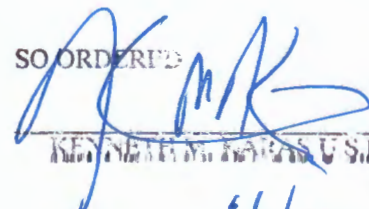
By: /s/ Alicia M. Leonhard
Alicia M. Leonhard
Trial Attorney

/s/ Charles N. Persing
Charles N. Persing,
The Subchapter V Trustee

NEW YORK HAND & PHYSICAL THERAPY, PLLC

By: /s/ Devon Salts
Devon Salts, Esq.
Debtor's Attorney

SO ORDERED


WILLIAM K. HARRINGTON, U.S. DISTRICT COURT
6/1/23